

Notice of Allowability**Application No.**

10/584,485

Examiner

KAREN CHENG

Applicant(s)

BOCKOVICH ET AL.

Art Unit

1622

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments filed 07/26/2011.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 9,10,12-14 and 27.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20110907.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Andrew D Kosar/
Supervisory Patent Examiner, Art Unit 1622

DETAILED ACTION

Claims 9-10, 12-17 and 26-27 are currently pending in the instant application.

Response to Amendment and Arguments

Applicant's amendment and arguments filed on July 26, 2011 have been fully considered and entered into the application.

Applicant's amendments have overcome the following rejections:

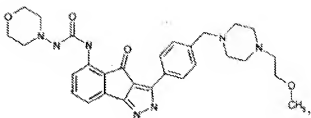
- * The objection to the abstract.
- * The 35 USC § 112, 1st paragraph rejections of claims 9 and 12-14.
- * The 35 USC § 103 rejections of claims 9-10 and 12-14.
- * The double patenting rejection of claims 9-10, and 12 over US Patent No. 7,893,057
- * The 35 USC § 112, 1st paragraph rejections of claims 13-14 have been overcome in view of the following Examiner's Amendments.

EXAMINER'S AMENDMENT

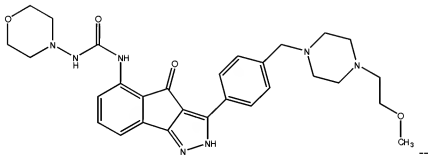
An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Wesolowski on Sept. 6, 2011.

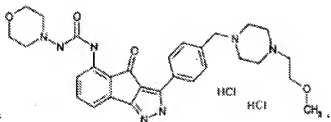
The application has been amended as follows:



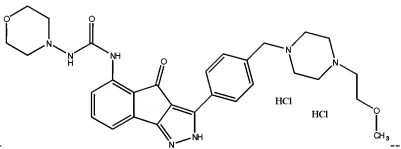
1. In **Claim 9**, replace the structure “



with --



2. In **Claim 10**, replace the structure “



with --

3. In **Claim 13**, replace “A method of treating a hyperproliferative disorder” with – A method of treating an ovarian or colorectal cancer --.

4. In **Claim 14**, replace “A method of inhibiting proliferation of a cell” with -- A method of inhibiting proliferation of a cell *in vitro* --.

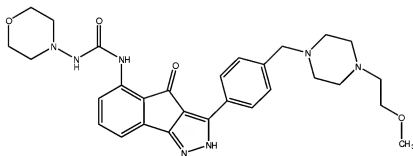
5. Cancel **Claims 15-17 and 26**.

6. In **Claim 27**, replace “A method of treating cyclin-dependent kinase associated disorders” with – A method of treating cyclin-dependent kinase associated disorders selected from ovarian and colorectal cancer, --

Allowable Subject Matter

Claims 9-10, 12-14 and 27 are allowed.

The following is an examiner's statement of reasons for allowance: This invention relates to a compound and pharmaceutical composition comprising a compound of formula



. The closest prior art of BECKER (see US Pub No. US 2004/0266854) discloses a compound wherein there is a methyl rather than ethyl-O-methyl on the 4-position of the piperazine system.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN CHENG whose telephone number is (571)270-7381. The examiner can normally be reached on M-F, 9 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Kosar can be reached on 571-272-0913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Noble Jarrell/
Primary Examiner, Art Unit 1622

Karen Cheng
Examiner
Art Unit 1622